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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,836	07/09/2003	Masuo Yoshimoto	239971US2X	8128
22850	7590	05/01/2007		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER FRINK, JOHN MOORE	
			ART UNIT	PAPER NUMBER
			2142	
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		05/01/2007	ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 05/01/2007.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/614,836	YOSHIMOTO, MASUO	
	<b>Examiner</b>	<b>Art Unit</b>	
	John M. Frink	2142	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/16/2005, 2/22/2006</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 5/16/2005 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because document number 11543322C is entirely in Chinese with no explanation, in English, as to its relevance. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Lisiecki et al. (US 2002/0143888 A1).

3. Regarding claim 1, Lisiecki et al. show a system for distributing digital contents over electronic network, the system comprising: a management PC configured to collect

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the digital contents and upload the collected digital contents to FTP servers (Figs. 2 and 3); and an edge server configured to download the digital contents in advance from the FTP servers according to instructions from the management PC and deliver the downloaded digital contents to a user terminal located in the same network as the edge server according to request from the user terminal (Figs. 4 – 7, [0011-0015]).

4. Regarding claim 2 Lisiecki et al. show where the edge server acquires information from the management PC to identify the least loaded FTP server where plural FTP servers are deployed and according to the above information, downloads the digital contents in advance from the least loaded FTP server ([0015]).

5. Regarding claim 15 Lisiecki et al. show a method for distributing digital contents over electronic network comprising following stages: collecting the digital contents in a management PC and uploading the collected digital contents from the management PC to FTP servers (Fig. 2, [0015]); downloading the digital contents in advance from the FTP servers to each edge server according to instructions from the management PC ([0014-0015]); and delivering the downloaded digital contents to user terminals from the edge server located in the same network as the user terminal upon receipt of a request from the user terminal (Figs. 4 – 7, [0015]).

6. Regarding claim 16 Lisiecki et al. show an edge server used for a system for distributing digital contents over electronic network, the edge server performing: downloading digital contents in advance from an FTP server to which a management PC uploads the digital contents collected by management PC, according to instructions from the management PC (Figs. 2 and 3, [0011-0016]); and delivering the downloaded

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digital contents to user terminal located in the same network as the edge server upon receipt of a request from the user terminal (Figs. 4 – 7, [0015]).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 – 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Shaul et al. (US 2002/0010798 A1) in view of Lisiecki et al.

9. Regarding claim 1, Ben-Shaul et al. show uploading contents to FTP servers ([0062,0070,0072,009-0100,231]), and an edge server configured to download the digital contents in advance from the FTP servers according to instructions from the management PC and deliver the downloaded digital contents to a user terminal located in the same network as the edge server according to request from the user terminal ([0040,0048,0065-0066,0068]).

Ben-Shaul et al. do not show a management PC configured to collect the digital contents and where it is said management PC that performs said uploading to said FTP servers.

Lisiecki et al. show a management PC configured to collect the digital contents and upload the collected digital contents to FTP servers (Fig. 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Ben-Shaul et al. with that of Lisiecki et al. in order

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to provide for a method to put content on the origin servers described by Ben-Shaul et al., which then enable distributing the content to edge servers ([0062,0070,0072,0099-0100,0231]), as the origin servers in Ben-Shaul et al.'s disclosure must receive their content from somewhere.

10. Regarding claim 2, Ben-Shaul et al. in view of Lisiecki et al. further show where the edge server acquires information from the management PC to identify the least loaded FTP server where plural FTP servers are deployed and according to the above information, downloads the digital contents in advance from the least loaded FTP server (Ben-Shaul et al., [0065-0066]).

11. Regarding claims 3 and 4, Ben-Shaul et al. in view of Lisiecki et al. further show where when contents for streaming (Ben-Shaul et al., [0051,0231,0284]) and instruction note are contained in the digital contents, the edge server executes installation, deletion, and update of the contents for streaming to VoD servers and database of the edge server according to instruction note (Ben-Shaul et al., [0048,0072,0312,0321]), and reports the result of the execution to the management PC (Ben-Shaul et al., [0282,0499-0500]).

12. Regarding claims 5 and 6, Ben-Shaul et al. in view of Lisiecki et al. further show where the edge server controls the least loaded VoD server (Ben-Shaul et al., [0040,0065-0066,0068]) to deliver streaming contents (Ben-Shaul et al., [0051,0231,0284]) where-plural FTP servers are deployed (Ben-Shaul et al., [0065-0066,0099-0100]).

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13. Regarding claims 7 - 12, Ben-Shaul et al. in view of Lisiecki et al. further show the methods of claims 1 - 6, and additionally where the edge server collects logs of delivery to the user terminals and uploads the collected logs to the FTP server specified by the management PC (Ben-Shaul et al., [0282,0499-0500]); and the management PC downloads the logs uploaded to the FTP server and manages the log data (Ben-Shaul et al., [0282,0500], Lisiecki et al., Figs. 3 and 7).

14. Regarding claims 13 and 14, Ben-Shaul et al. in view of Lisiecki et al. further show where the edge server generates Web pages according to the attributes of the user with the information stored in the database, and provides the Web pages to the user terminal (Ben-Shaul et al., [0116,0182,02074,0487,0490]).

15. Regarding claim 15, Ben-Shaul et al. in view of Lisiecki et al. further show collecting the digital contents in a management PC and uploading the collected digital contents from the management PC to FTP servers (Lisiecki et al., Fig. 2, [0015]; Ben-Shaul et al., [0072,0099-0100,0231]); downloading the digital contents in advance from the FTP servers to each edge server according to instructions from the management PC (Ben-Shaul et al., [0040,0048,0068,0072]); and delivering the downloaded digital contents to user terminals from the edge server located in the same network as the user terminal upon receipt of a request from the user terminal (Ben-Shaul et al., [0026,0040,0065,0066]).

16. Regarding claim 16, Ben-Shaul et al. in view of Lisiecki et al. further show an edge server used for a system for distributing digital contents over electronic network, the edge server performing (Ben-Shaul et al., Figs. 3 and 4): downloading digital



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contents in advance from an FTP server to which a management PC uploads the digital contents collected by management PC, according to instructions from the management PC (Ben-Shaul et al., [0048,0068,0072]; Lisiecki et al., Figs. 2 and 3, [0011-0016]); and delivering the downloaded digital contents to user terminal located in the same network as the edge server upon receipt of a request from the user terminal (Ben-Shaul et al., [0026,0040,0065-0066]).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Frink whose telephone number is (571) 272-9686. The examiner can normally be reached on M-F 7:30AM - 5:00PM EST; off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

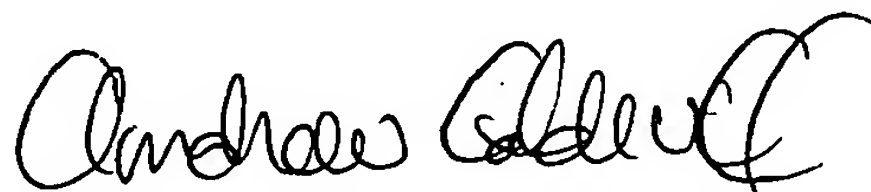


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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